

105TH CONGRESS  
1ST SESSION

# S. 138

To eliminate certain benefits for Members of Congress, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. FAIRCLOTH introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To eliminate certain benefits for Members of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Government Reform  
5 Act”.

6 **SEC. 2. LIMITATION ON RETIREMENT COVERAGE FOR**  
7 **MEMBERS OF CONGRESS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law, effective at the beginning of the Congress next  
10 beginning after the date of the enactment of this Act, a

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1 Member of Congress shall be ineligible to participate in  
 2 the Civil Service Retirement System or the Federal Em-  
 3 ployees' Retirement System, except as otherwise provided  
 4 under this section.

5 (b) PARTICIPATION IN THE THRIFT SAVINGS  
 6 PLAN.—Notwithstanding subsection (a), a Member may  
 7 participate in the Thrift Savings Plan subject to section  
 8 8351 of title 5, United States Code, at anytime during  
 9 the 12-year period beginning on the date the Member be-  
 10 gins his or her first term.

11 (c) REFUNDS OF CONTRIBUTIONS.—

12 (1) IN GENERAL.—Nothing in subsection (a)  
 13 shall prevent refunds from being made, in accord-  
 14 ance with otherwise applicable provisions of law (in-  
 15 cluding those relating to the Thrift Savings Plan),  
 16 on account of an individual's becoming ineligible to  
 17 participate in the Civil Service Retirement System or  
 18 the Federal Employees' Retirement System (as the  
 19 case may be) as a result of the enactment of this  
 20 section.

21 (2) TREATMENT OF REFUND.—For purposes of  
 22 any refund referred to in paragraph (1), a Member  
 23 who so becomes ineligible to participate in either of  
 24 the retirement systems referred to in paragraph (1)

1 shall be treated in the same way as if separated  
 2 from service.

3 (d) ANNUITIES NOT AFFECTED TO THE EXTENT  
 4 BASED ON PRIOR SERVICE.—Subsection (a) shall not be  
 5 considered to affect—

6 (1) any annuity (or other benefit) entitlement  
 7 to which is based on a separation from service occur-  
 8 ring before the date of the enactment of this Act (in-  
 9 cluding any survivor annuity based on the death of  
 10 the individual who so separated); or

11 (2) any other annuity (or benefit), to the extent  
 12 provided under subsection (e).

13 (e) PRESERVATIONS OF RIGHTS BASED ON PRIOR  
 14 SERVICE.—

15 (1) IN GENERAL.—For purposes of determining  
 16 eligibility for, or the amount of, any annuity (or  
 17 other benefit) referred to in subsection (d)(2) based  
 18 on service as a Member of Congress—

19 (A) all service as a Member of Congress  
 20 shall be disregarded except for any such service  
 21 performed before the date of the enactment of  
 22 this Act; and

23 (B) all pay for service performed as a  
 24 Member of Congress shall be disregarded other

1           than pay for service which may be taken into  
2           account under subparagraph (A).

3           (2) PRESERVATION OF RIGHTS.—To the extent  
4           practicable, eligibility for, and the amount of, any  
5           annuity (or other benefit) to which an individual is  
6           entitled based on a separation of a Member of Con-  
7           gress occurring after such Member becomes ineli-  
8           gible to participate in the Civil Service Retirement  
9           System or the Federal Employees' Retirement Sys-  
10          tem (as the case may be) by reason of subsection (a)  
11          shall be determined in a manner that preserves any  
12          rights to which the Member would have been enti-  
13          tled, as of the date of the enactment of this Act, had  
14          separation occurred on such date.

15          (f) REGULATIONS.—Any regulations necessary to  
16          carry out this section may be prescribed by the Office of  
17          Personnel Management and the Executive Director (re-  
18          ferred to in section 8401(13) of title 5, United States  
19          Code) with respect to matters within their respective areas  
20          of responsibility.

21          (g) DEFINITION.—As used in this section, the terms  
22          “Member of Congress” and “Member” mean any individ-  
23          ual under section 8331(2) or 8401(20) of title 5, United  
24          States Code.

1 (h) RULE OF CONSTRUCTION.—Nothing in this sec-  
 2 tion shall be considered to apply with respect to any sav-  
 3 ings plan or other matter outside of subchapter III of  
 4 chapter 83 or chapter 84 of title 5, United States Code.

5 **SEC. 3. DISCLOSURE OF ESTIMATES OF FEDERAL RETIRE-**  
 6 **MENT BENEFITS OF MEMBERS OF CONGRESS.**

7 (a) IN GENERAL.—Section 105(a) of the Legislative  
 8 Branch Appropriations Act, 1965 (2 U.S.C. 104a; Public  
 9 Law 88–454; 78 Stat. 550) is amended by adding at the  
 10 end thereof the following new paragraph:

11 “(4) The Secretary of the Senate and the Clerk of  
 12 the House of Representatives shall include in each report  
 13 submitted under paragraph (1), with respect to Members  
 14 of Congress, as applicable—

15 “(A) the total amount of individual contribu-  
 16 tions made by each Member to the Civil Service Re-  
 17 tirement and Disability Fund and the Thrift Savings  
 18 Fund under chapters 83 and 84 of title 5, United  
 19 States Code, for all Federal service performed by the  
 20 Member as a Member of Congress and as a Federal  
 21 employee;

22 “(B) an estimate of the annuity each Member  
 23 would be entitled to receive under chapters 83 and  
 24 84 of such title based on the earliest possible date  
 25 to receive annuity payments by reason of retirement

1 (other than disability retirement) which begins after  
 2 the date of expiration of the term of office such  
 3 Member is serving; and

4 “(C) any other information necessary to enable  
 5 the public to accurately compute the Federal retire-  
 6 ment benefits of each Member based on various as-  
 7 sumptions of years of service and age of separation  
 8 from service by reason of retirement.”.

9 (b) EFFECTIVE DATE.—This section shall take effect  
 10 1 year after the date of the enactment of this Act.

11 **SEC. 4. ELIMINATION OF AUTOMATIC ANNUITY ADJUST-**  
 12 **MENTS FOR MEMBERS OF CONGRESS.**

13 The portion of the annuity of a Member of Congress  
 14 which is based solely on service as a Member of Congress  
 15 shall not be subject to a cost-of-living adjustment under  
 16 section 8340 or 8462 of title 5, United States Code.

17 **SEC. 5. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS**  
 18 **FOR MEMBERS OF CONGRESS.**

19 (a) PAY ADJUSTMENTS.—Paragraph (2) of section  
 20 601(a) of the Legislative Reorganization Act of 1946 (2  
 21 U.S.C. 31) is repealed.

22 (b) CONFORMING AMENDMENT.—Section 601(a)(1)  
 23 of such Act is amended—

24 (1) by striking “(a)(1)” and inserting “(a)”;

1           (2) by redesignating subparagraphs (A), (B),  
 2           and (C) as paragraphs (1), (2), and (3), respectively;  
 3           and  
 4           (3) by striking “, as adjusted by paragraph (2)  
 5           of this subsection”.

6 **SEC. 6. ROLLCALL VOTE FOR ANY CONGRESSIONAL PAY**  
 7 **RAISE.**

8           It shall not be in order in the Senate or the House  
 9           of Representatives to dispose of any amendment, bill, reso-  
 10          lution, motion, or other matter relating to the pay of Mem-  
 11          bers of Congress unless the matter is decided by a rollcall  
 12          vote.

13 **SEC. 7. BAN ON MASS MAILINGS.**

14          (a) **IN GENERAL.**—Paragraph (6)(A) of section  
 15          3210(a) of title 39, United States Code, is amended to  
 16          read as follows:

17          “(6)(A) It is the intent of Congress that a Member  
 18          of, or Member-elect to, Congress may not mail any mass  
 19          mailing as franked mail.”.

20          (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

21                (1) The second sentence of section 3210(c) of  
 22                title 39, United States Code, is amended by striking  
 23                “subsection (a) (4) and (5)” and inserting “sub-  
 24                section (a) (4), (5), and (6)”.

1           (2) Section 3210 of title 39, United States  
2 Code, is amended—

3           (A) in subsection (a)(3)—

4                 (i) in subparagraph (G) by striking “,  
5 including general mass mailings,”; and

6                 (ii) in subparagraphs (I) and (J) by  
7 striking “or other general mass mailing”;

8           (B) in subsection (a)(6) by repealing sub-  
9 paragraphs (B), (C), and (F), and the second  
10 sentence of subparagraph (D);

11           (C) by repealing paragraph (7) of sub-  
12 section (a); and

13           (D) by repealing subsection (f).

14           (3) Section 316(a) of the Legislative Branch  
15 Appropriations Act, 1990 (39 U.S.C. 3210 note) is  
16 repealed.

17           (4) Subsection (f) of section 311 of the Legisla-  
18 tive Branch Appropriations Act, 1991 (2 U.S.C.  
19 59e(f)) is repealed.

20           (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect at the beginning of the Con-  
22 gress next beginning after the date of the enactment of  
23 this Act.



1 **SEC. 8. RESTRICTIONS ON USE OF MILITARY AIR COMMAND**  
2 **BY MEMBERS OF CONGRESS.**

3 (a) RESTRICTIONS.—

4 (1) IN GENERAL.—Chapter 157 of title 10,  
5 United States Code, is amended by adding at the  
6 end the following:

7 **“§ 2646. Restrictions on provision of air transpor-**  
8 **tation to Members of Congress**

9 “(a) RESTRICTIONS.—A Member of Congress may  
10 not receive transportation in an aircraft of the Military  
11 Air Command unless—

12 “(1) the transportation is provided on a space-  
13 available basis as part of the scheduled operations of  
14 the military aircraft unrelated to the provision of  
15 transportation to Members of Congress;

16 “(2) the use of the military aircraft is necessary  
17 because the destination of the Member of Congress,  
18 or an airfield located within reasonable distance of  
19 the destination, is not accessible by regularly sched-  
20 uled flights of commercial aircraft; or

21 “(3) the use of the military aircraft is the least  
22 expensive method for the Member of Congress to  
23 reach the destination by aircraft, as demonstrated  
24 by information released before the trip by the mem-  
25 ber or committee of Congress sponsoring the trip.

1       “(b) DESTINATION.—In connection with transpor-  
 2       tation provided under subsection (a)(1), the destination of  
 3       the military aircraft may not be selected to accommodate  
 4       the travel plans of the Member of Congress requesting  
 5       such transportation.

6       “(c) AIRCRAFT DEFINED.—For purposes of this sec-  
 7       tion, the term ‘aircraft’ includes both fixed-wing airplanes  
 8       and helicopters.”.

9               (2) AMENDMENT TO TABLE OF SECTIONS.—  
 10       The table of sections at the beginning of such chap-  
 11       ter is amended by adding at the end the following:

“2643. Restrictions on provision of air transportation to Members of Congress.”.

12       (b) EFFECT ON MEMBERS CURRENTLY RECEIVING  
 13       TRANSPORTATION.—Section 2646 of title 10, United  
 14       States Code, as added by subsection (a), shall not apply  
 15       with respect to a Member of Congress who, as of the date  
 16       of the enactment of this Act, is receiving air transpor-  
 17       tation or is scheduled to receive transportation in an air-  
 18       craft of the Military Air Command until the Member com-  
 19       pletes the travel plans for which the transportation is  
 20       being provided or scheduled.

21       **SEC. 9. PROHIBITION ON USE OF MILITARY MEDICAL**  
 22                       **TREATMENT FACILITIES BY MEMBERS OF**  
 23                       **CONGRESS.**

24       (a) PROHIBITION.—

1           (1) IN GENERAL.—Chapter 55 of title 10,  
 2       United States Code, is amended by adding at the  
 3       end the following:

4   **“§ 1107. Prohibition on provision of medical and den-**  
 5                   **tal care to Members of Congress**

6       “A Member of Congress may not receive medical or  
 7       dental care in any facility of any uniformed service  
 8       unless—

9           “(1) the Member of Congress is eligible or enti-  
 10      tled to such care as a member or former member of  
 11      a uniformed service or as a covered beneficiary; or

12           “(2) such care is provided on an emergency  
 13      basis unrelated to the person’s status as a Member  
 14      of Congress.”.

15           (2) AMENDMENT TO TABLE OF SECTIONS.—  
 16      The table of sections at the beginning of such chap-  
 17      ter is amended by adding at the end the following:

“1107. Prohibition on provision of medical and dental care to Members of  
 Congress.”.

18           (b) EFFECT ON MEMBERS CURRENTLY RECEIVING  
 19      CARE.—Section 1107 of title 10, United States Code, as  
 20      added by subsection (a), shall not apply with respect to  
 21      a Member of Congress who is receiving medical or dental  
 22      care in a facility of the uniformed services on the date  
 23      of the enactment of this Act until the Member is dis-  
 24      charged from that facility.

1 **SEC. 10. ELIMINATION OF CERTAIN RESERVED PARKING**  
2 **AREAS AT WASHINGTON NATIONAL AIRPORT**  
3 **AND WASHINGTON DULLES INTERNATIONAL**  
4 **AIRPORT.**

5 (a) IN GENERAL.—Effective 30 days after the date  
6 of the enactment of this section, the Airports Authority—

7 (1) shall not provide any reserved parking areas  
8 free of charge to Members of Congress, other Gov-  
9 ernment officials, or diplomats at Washington Na-  
10 tional Airport or Washington Dulles International  
11 Airport; and

12 (2) shall establish a parking policy for such air-  
13 ports that provides equal access to the public, and  
14 does not provide preferential parking privileges to  
15 Members of Congress, other Government officials, or  
16 diplomats.

17 (b) DEFINITIONS.—As used in this section, the terms  
18 “Airports Authority”, “Washington National Airport”,  
19 and “Washington Dulles International Airport” have the  
20 same meanings as in section 6004 of the Metropolitan  
21 Washington Airports Act of 1986 (49 U.S.C. App. 2453).

22 **SEC. 11. PHYSICAL FITNESS FACILITIES.**

23 (a) COSTS AND FEES.—Subject to the provisions of  
24 subsection (c), all costs to equip, operate, and maintain  
25 physical fitness facilities for use by Federal employees  
26 shall be fully paid by the users of such facilities and no

1 appropriated funds made available to any executive agency  
 2 shall be expended for the costs of membership or other  
 3 fees for the use of physical fitness facilities, including exer-  
 4 cise equipment and classes.

5 (b) ADMINISTRATIVE LEAVE.—No executive agency  
 6 may grant administrative leave to Federal employees for  
 7 the purpose of physical fitness activities, except with re-  
 8 gard to a Federal employee described under subsection (c).

9 (c) EXCEPTION.—The provisions of subsections (a)  
 10 and (b) shall not apply to any executive agency with re-  
 11 gard to employees in positions which require such employ-  
 12 ees to meet physical fitness standards as a condition of  
 13 employment. Funds for purposes described under sub-  
 14 section (a), may be expended only for the costs of main-  
 15 taining the physical fitness of such employees.

16 (d) DEFINITION.—For purposes of this section the  
 17 term “physical fitness facility” means any facility used for  
 18 physical exercise that provides equipment and services for  
 19 such use in addition to lockers and showers.

## 20 **SEC. 12. GOLF COURSES.**

21 (a) LIMITATION.—No funds appropriated or other-  
 22 wise made available to any agency may be expended to  
 23 equip, operate, or maintain any golf course owned or oper-  
 24 ated by an agency. Any such golf course shall be operated

1 by concessionaire contract and open to use by the general  
2 public.

3 (b) EXCEPTION.—Subsection (a) shall not apply to—

4 (1) any golf course located in a remote or iso-  
5 lated area or those for the use of patients or resi-  
6 dents at Veterans' Administration Hospitals, United  
7 States Soldiers' and Airmen's Home, or the National  
8 Institutes of Health; or

9 (2) funds made available from gift funds or rep-  
10 resentation funds for activities authorized under law.

11 (c) USE OF FUNDS.—No more than 10 percent of  
12 the gross revenues generated from the operations of any  
13 golf course to which subsection (a) applies may be retained  
14 by the contracting military base to support morale, welfare  
15 or recreational purposes of the personnel at such base.  
16 The Secretary of Defense shall submit annual reports to  
17 the Congress which identify in detail how the funds re-  
18 tained have been expended. The Secretary of Defense is  
19 authorized to subsidize the golf fees for active and retired  
20 enlisted personnel utilizing such contracted courses and  
21 give priority access for military personnel.

22 (d) EFFECTIVE DATE.—The provisions of this sec-  
23 tion shall take effect no later than June 1, 1993.

1 **SEC. 13. EXECUTIVE DINING FACILITIES.**

2 No funds appropriated or otherwise made available  
3 to any executive agency may be expended to subsidize the  
4 costs to equip, operate, or maintain dining rooms or kitchen  
5 facilities for the exclusive use of senior Government officers  
6 or to purchase or prepare food for consumption by  
7 such officers. This section shall not apply to dining rooms,  
8 facilities, or food for—

9 (1) the exclusive use or consumption of the  
10 President of the United States or his immediate  
11 family; or

12 (2) use to carry out the official representational  
13 functions of the President or for those official activities  
14 conducted by executive branch departments or  
15 agencies for which representation funds have been  
16 authorized and appropriated.

17 **SEC. 14. LUXURY VEHICLES FOR TRANSPORTING GOVERN-**  
18 **MENT OFFICERS.**

19 (a) LUXURY VEHICLES.—No funds appropriated or  
20 otherwise made available to any agency or the Congress  
21 may be expended to acquire, through lease or purchase,  
22 luxury vehicles for the purpose of transporting senior Government  
23 officers, except for—

24 (1) a Government officer as authorized under  
25 section 1344 of title 31, United States Code;

1           (2) a Government officer who holds the office of  
2     Assistant Secretary or higher;

3           (3) the head of any executive agency and the  
4     second highest ranking officer in such agency;

5           (4) officials commissioned by the President or  
6     paid at a rate of pay equal to or greater than the  
7     rate payable for level IV of the Executive Schedule  
8     in the Executive Office of the President; or

9           (5) Members of Congress serving in leadership  
10    positions (including any former President pro tem-  
11    pore of the Senate) or elected or appointed officers  
12    of the Congress.

13       (b) DRIVERS.—(1) Subject to paragraph (2), no  
14    funds appropriated or otherwise made available to any  
15    agency may be expended to employ drivers for the exclu-  
16    sive use of transporting senior Government officers, except  
17    the officers described under subsection (a)(1) through (5).

18       (2) The provisions of this subsection shall not be con-  
19    strued to prohibit the expenditure of funds to employ driv-  
20    ers of multipassenger vehicles, such as vans or buses,  
21    which are not luxury vehicles.

22       (c) PURCHASE OR LEASE OF LUXURY VEHICLES.—  
23    The General Services Administration, in consultation with  
24    the Office of Management and Budget shall prescribe reg-  
25    ulations and uniform guidelines for all executive agencies



1 for the purchase or lease of luxury vehicles for or by the  
 2 United States Government, that shall ensure the least cost  
 3 to the United States Government. On October 1, 1993,  
 4 and on October 1 of each year thereafter, the General  
 5 Services Administration shall submit a report to the Con-  
 6 gress on—

7           (1) executive agency compliance with such regu-  
 8       lations;

9           (2) the number of all vehicles purchased or  
 10      leased by each executive agency;

11          (3) the costs of executive agency vehicle pur-  
 12      chases or leases;

13          (4) the type of each such executive agency vehi-  
 14      cle and the purpose for which it is used; and

15          (5) the identification of executive agency Fed-  
 16      eral officers and employees who used such vehicles.

17      (d) LEGISLATIVE AGENCIES.—Each agency in the  
 18 legislative branch of the Government (including each office  
 19 and committee of the Congress) shall submit reports com-  
 20 parable to reports submitted under subsection (c) with the  
 21 appropriate administrative offices of such agency.

22      (e) DEFINITION.—For purposes of this section the  
 23 term “luxury vehicle” means a vehicle that is—

1           (1) a class IV or V sedan (as classified under  
2       section 101–38.101–1 of title 41 of the Code of Fed-  
3       eral Regulations as in effect on the date of the en-  
4       actment of this Act) or other large sedan-type vehi-  
5       cle with above standard features; and

6           (2) owned or leased by the United States Gov-  
7       ernment.

8       (f) EXCEPTION.—The provisions of this section shall  
9       not apply with regard to emergency vehicles or vehicles  
10      equipped for law enforcement purposes.

11      (g) REGULATIONS.—The Administrator of General  
12      Services shall issue regulations subject to the approval of  
13      the Office of Management and Budget, to implement the  
14      provisions of this section for executive agencies.

○